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December 9, 2024

Hon. Lewis A. Kaplan
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

MEMO ENDORSED

Re: *Lewis et al v. The New York City Department of Correction et al.*
1:24-cv-08428-LAK

Your Honor:

The undersigned are Assistant Corporation Counsel in the New York City Law Department and the attorneys representing defendant the City of New York in this matter. Plaintiffs, on behalf of themselves and a putative class, allege, *inter alia*, that their constitutional rights have been violated by Defendants' failure to provide recreation during their periods of incarceration at the Eric M. Taylor Center at Rikers Island during the relevant time period. Defendants respectfully request that the Court extend Defendants' time to extend to respond to the Complaint from tomorrow, December 10, 2024, to January 24, 2025—a forty-five day period. Defendants apologize for the untimely nature of this request, as this request does not comply with Your Honor's Individual Rules of Practice regarding extension requests. The reason for this requested enlargement of time is due to the undersigned's being recently assigned this matter, who will require time to review and investigate the putative class claims in consultation with Defendants. This is Defendants' first request for an extension of time to respond to the putative class action Complaint.

Plaintiffs have refused to consent to this request for an extension citing delay, and further that there is an Initial Pretrial Conference scheduled for January 15, 2025 (ECF No. 25). However, the undersigned, having only recently been assigned to this matter, have not yet had the opportunity to substantively confer with Plaintiffs on the possibility of filing a consent scheduling order by January 8, 2025 as ordered by the Court in lieu of the parties' appearance at the January 15, 2025 conference. Accordingly, Defendants intend to use the requested extension period to confer with Plaintiffs as to whether the parties will file a proposed joint scheduling order, and to potentially adjourn the Initial Pretrial Conference.

SO ORDERED

LEWIS A. KAPLAN, USDC

For all of the foregoing reasons, Defendants respectfully request that their time to respond to the putative class action Complaint be extended to January 24, 2025.

Thank you for considering this request.

Respectfully submitted,

/s/

Bryn M. Ritchie
Assistant Corporation Counsel

/s/

Eric M. Teszler
Assistant Corporation Counsel